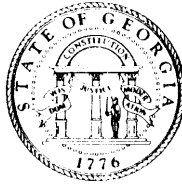


COMMISSIONERS:

DAVID N. BAKER
ROBERT B. (BOBBY) BAKER
BOB DURDEN
STAN WISE



DEBORAH K. FLANNAGAN
EXECUTIVE DIRECTOR

AL HATCHER, DIRECTOR
TRANSPORTATION DIVISION

Georgia Public Service Commission

244 WASHINGTON STREET, S.W.
ATLANTA, GEORGIA 30334-570 1
(404) 656-4501 OR 1 (800) 282-5813
FAX: (404) 656-2341
www.psc.state.ga.us

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Docket Clerk
U.S. DOT Dockets
Room PL-401

400 7th Street, S.W.
Washington, D.C. 20590-0001

DEPARTMENT OF TRANSPORTATION
98 JUN 19 PM 10:3
DOCKET SECTION

Re: Docket No. FHWA-98-3706 -23

In response to publication in the April 20, 1998, Federal Register, the Georgia Public Service Commission offers the following comments concerning this proposed rule making on Hours-of-Service of Drivers; Supporting Documents.

The proposal to amend §390.3 1 to allow carriers to retain supporting documents in electronic format is certainly appropriate in this rapidly advancing computer age. The definition of supporting documents set forth in §395.2 appears to encompass any conceivable document that is normally produced and received by a motor carrier in the course of the trip. This will take the guess work out of what the term currently means.

We believe that the changes to §395.8(k) which would allow the carrier to retain the original record of duty status and supporting documents at other than their principal place of business is placed in the wrong section. It appears that FHWA is attempting to put into rule form what has been policy for the last few years - allowing the record of duty status and supporting documents to be kept at alternate locations provided that when given notice by the DOT or States, these records can be made available for inspection within 48 hours at their principal place of business. Since §395.8 deals mainly with who must prepare a record of duty status and how it is to be filed, we believe the drivers may attempt to take the 48 hour provision out of context and use the argument with roadside inspectors and/or judges that while they are required to maintain a record of duty they have 48 hours to produce same for inspection. We believe a better location for this provision would be to include it in the new 5395.10.

We would like to see §395.8(k)(2) amended to include requirements that the driver

produce the current day's record of duty status upon request of any duly authorized federal, state or local enforcement official. Possible suggested wording for such an amendment follows:

"The driver shall have the original record of duty status for the current day and shall retain a legible copy of each record of duty status for each of the 7 previous days that shall be in his or her possession while on duty and shall be made immediately available for inspection upon the request of any duly authorized Federal, State, or local enforcement official. Supporting documents collected during the course of the trip which relate to any original record of duty status in the driver's possession shall be retained by the driver, and any not yet forwarded to the motor carrier as provided in paragraph (i) of this section shall likewise be made available for inspection immediately upon request of any authorized Federal, State, or local enforcement official."

It is also our opinion that §395.8(i) should be amended to require drivers to forward all those supporting documents which are completed to the motor carrier in the same manner as the record of duty status so that the carrier can use these documents for verification purposes.

It is our opinion that §395.10 shows good intentions but fails to take into account the roadside inspection aspect. We believe the requirements that the carrier have a written plan for verification of record of duty status is good, but there is no intention to make this plan available to roadside inspectors as stated in 395.10(b)(1). The regulation goes on to say that if the carrier does not have a plan the driver must collect all supporting documents he comes in contact with and must produce them for inspection at roadside upon request. The officer on the side of the road will have no knowledge of whether a plan exists and therefore will not know if the provision requiring the driver to have or produce supporting documents at roadside even applies.

Paragraph (f) of 395.10 is somewhat confusing. It appears to cover what we believe §395.8(k)(2) should state regarding the availability of supporting documents to roadside inspectors. We would question if this applies equally whether the carrier does or does not have a written verification plan as specified in paragraph (a). If it applies in either circumstance, the better location for the provision would be to include it in section 395.8(k)(2) as we discussed earlier. Additionally, the section reference in 395.10(f) should more accurately reflect section 395.8(i) as that section and paragraph needs to spell out what course the driver should follow in submission of record of duty status.

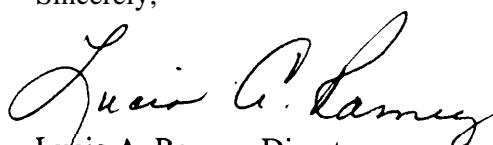
The idea of reducing the retention time of record of duty status from 6 months to 4 months is uncalled for. The clear intent of Congress in the legislation was to keep both the retention period for the record of duty status and the supporting documents at 6 months. Under the current downsizing climate of government, 6 months is barely enough time to conduct compliance reviews where complaints have been received and follow-up on serious accidents. Reducing the retention period to 4 months results in time restraints which will not work as the workload of state and federal compliance review personnel is increasing - not decreasing. This

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would allow many serious complaints and accident investigations to go unfinished as the evidence for substantiating the potential violations will have been discarded by the carrier. This issue is best left alone since most carriers and Congress are comfortable with the 6 month time frame.

These comments are submitted on behalf of the Transportation Division of the Georgia Public Service Commission, 1007 Virginia Avenue, Suite 3 10, Hapeville, Georgia, 30354-1 325.

Sincerely,


Lucia A. Ramey, Director
Compliance & Safety

Copies sent to:

Mr. Joseph Solomey
Office of the Chief Counsel
Federal Highway Administration
Department of Transportation
400 Seventh Street, S.W.
Washington, D.C. 20590

Mr. David Miller
Office of Motor Carrier Research & Standards
Federal Highway Administration
Department of Transportation
400 Seventh St., S.W., Room 3107
Washington, D.C. 20590